

EXHIBIT 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELYSE MCKENNA,

Plaintiff,

v.

Case No: 24-cv-12347
Hon. Judge Brandy R. McMillion

ROBERT F. RILEY, *an individual,*
RILEY & HURLEY, P.C. *a domestic*
professional corporation,
OLSMAN, MACKENZIE,
PEACOCK, P.C. *a domestic professional*
corporation,
Defendants.

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AFFIDAVIT OF DEBORAH L. GORDON

STATE OF MICHIGAN)
)
) ss:
COUNTY OF OAKLAND)

I, Deborah L. Gordon, first being duly sworn on oath, state as follows:

1. I have over 40 years of experience as an employment discrimination and civil rights lawyer. I take cases solely for litigation. My firm receives approximately 5-8 calls a day and rejects approximately 98% of all potential clients.
2. The only time I ever spoke to Elyse McKenna was in 2021. McKenna called my office unsolicited.
3. I do not ask potential clients to tell their story or begin at the start of their employment relationship. My goal is to determine as quickly as possible whether the caller has a viable legal claim as described in the Response brief. This is how I handled the call with McKenna.
4. While on the call with McKenna in 2021, I quickly formed the opinion that she did not have a viable claim of sexual harassment hostile environment. I told McKenna I did not believe she had enough for a legal claim. In addition to not meeting the legal elements, to the extent that McKenna had taken a new job with another law firm, she would have minimal damages, if any. As a contingency fee attorney, I would not take such a case.

5. I did not learn of McKenna’s “family financial situation,” her “husband’s work,” or her “private thoughts and impressions.” I did not learn “sensitive details” regarding her “transition to [her] new position,” or “Mr. Riley’s continuing role in [her] future employment or career,” as set forth in McKenna’s affidavit. Nor would I be interested in any such information.

6. I did not provide McKenna any advice “on how to handle certain immediate concerns” such as “photographs,” “finances,” and her “transition to OMP.” As a rule, I do not provide this kind of advice to a caller. This is especially true if there is no viable legal claim. Nor would I have expertise in “finances” or a “transition” to a new firm.

7. I did not tell McKenna that I “would not touch Bob Riley with a ten-foot pole” or “warn” her that a lawsuit would “ruin” her career. That is not something I would say. As a trial lawyer, my time is largely spent suing employers and I have not found that clients must “leave the state of Michigan” if they bring a lawsuit. By way of example, around the time of this call, I was in litigation against Fieger Law representing an attorney. She successfully continued her legal career in the local area.

8. I spoke to Jules Olsman and Donna MacKenzie in detail on Saturday, February 3, 2024 as to their concerns about McKenna, and provided them with legal advice. I continued thereafter to consult with them on this matter.

9. McKenna claims she called my office on Monday, February 5, 2024. I do not dispute this. I did not speak to her or review any information as to this call.

10. McKenna called my office again on Tuesday, February 6, 2024. The call was picked up by administrative legal assistant Teresa D'Costa, who took notes of their brief conversation. I did not talk to McKenna or review any information as to this call.

11. Until this time, I have not discussed my 2021 call with McKenna with any third party. I have not disclosed any privileged or confidential information

FURTHER DECLARANT SAYETH NOT.

D.L. Gordon 3/26/25

Deborah L. Gordon



Dora R. Koski 3/26/25